

**BOARD OF ZONING APPEALS**

**Springfield, Ohio**

**Monday March 15, 2021**

**7:00 P.M.**

**Virtual Meeting**

**Meeting Minutes**

**(Summary format)**

Chairperson Ms. Dori Gaier called the meeting to order at 7:00 P.M.

MEMBERS PRESENT: Mr. Charles Harris, Ms. Rhonda Zimmers, Mr. James Burkhardt, Ms. Denise Williams and Ms. Dori Gaier.

MEMBERS ABSENT: Mr. Mathew Ryan and Mr. Brown.

OTHERS PRESENT: Stephen Thompson, Planning, Zoning, and Code Administrator  
Cheyenne Pinkerman, Community Development Specialist.

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**SUBJECT: Approval February 17, 2021 meeting minutes.**

Ms. Gaier asked if the Board had any corrections or additions to add to the minutes.

Hearing none, Ms. Gaier asked the Board members to voice yes if they were in favor of approving the minutes. Members voiced yes.

Ms. Gaier asked if any opposed to voice nay. Hearing none, Ms. Gaier stated the minutes stand approved.

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**Case #21-A-08 Request from Toni Nail for a conditional use permit for a nail salon at 1146 E Home Road in a CO-1, Commercial Office District**

Ms. Gaier stated that the public hearing was now open and asked for Mr. Thompson to read the staff report.

The applicant seeks a conditional use permit to open a nail salon. The tenant space is currently vacant. It is located in an office park.

**ANALYSIS for Conditional Use:**

In considering an application for a conditional use, the Board shall give due regard to the nature and condition of all adjacent uses and structures, and the consistency therewith of the proposed use and development. Before authorizing a use as a conditional use, the Board shall review the facts and circumstances of each proposed conditional use in terms of the following standards and

shall find adequate evidence showing that the proposed conditional use at the proposed location:

- (1) Would not be hazardous, harmful, noxious, offensive or a nuisance to the surrounding neighborhood by reason of noise, smoke, odor, vibration, dust and dirt, cinders, noxious gases, glare and heat, fire and safety hazards, sewage wastes and pollution, transportation and traffic, aesthetic and psychological effects. The Board shall use and give recognition to those performance standards which are available in model codes or ordinances, or have been developed by planning, manufacturing, health, architectural and engineering organizations, and can be applied to the proposed use, to assist it in reaching a fair and objective decision;

*Staff Comment: It would not.*

- (2) Is in fact a conditional use as established under the provisions of this Springfield Zoning Code as eligible to be permitted in the district involved;

*Staff Comment: Yes.*

- (3) Will be harmonious with and in accordance with the general objectives, or with any specific objective of this Springfield Zoning Code;

*Staff Comment: Yes.*

- (4) Will be designed, constructed, operated and maintained as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that the use will not change the essential character of the same area;

*Staff Comment: Yes. It is an existing building.*

- (5) Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools, or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services;

*Staff Comment: Yes.*

- (6) Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;

*Staff Comment: It will not.*

- (7) Will have vehicular approaches to the property, which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares. Upon authorizing a conditional use, the Board shall impose such requirements and conditions with respect to location, construction, maintenance and operation, in addition to those expressly stipulated in this Springfield Zoning Code for the particular conditional use, as the Board may deem

necessary for the protection of adjacent properties and the public interest.

*Staff Comment: Yes, it does.*

**RETURNED REPORTS FROM STAFF:**

|                        |  |
|------------------------|--|
| Service Department:    | Recommend approval   |
| Building Inspections:  | Recommend approval; a certificate of occupancy and other permits made be required by the City of Springfield Building Department |
| Engineering Division:  | Recommend approval   |
| Fire Department:       | Recommend approval   |
| City Manager's Office: | Recommend approval   |

**STAFF RECOMMENDATION:**

Approval of the conditional use permit.

Ms. Gaier asked if the board had any questions for Mr. Thompson. Hearing none, Ms. Gaier asked if the applicant wished to speak.

Mr. Sunny Dhingra, 2760 Kilkenny Drive. Springfield, OH.

Mr. Dhingra explained the applicant planned to run a family business and it would not cause any issues.

Ms. Gaier asked if the board had any further questions for applicant. Hearing none, Ms. Gaier asked if there were any further questions or if anyone else wished to speak. Hearing none, Ms. Gaier asked for a motion to close the public hearing.

**MOTION:** Ms. Williams made a motion to close the public hearing. Seconded by Ms. Zimmers. Approval by voice vote.

Ms. Gaier stated that the public hearing was now closed and asked for a motion to approve Case #21-A-08.

**MOTION:** Motion by Mr. Burkhardt to approve Case # 21-A-08 request from Toni Naill for a conditional use permit for a nail salon at 1146 East Home Road. Seconded by Ms. Zimmers.

Hearing no further discussion or questions, the Board determined the following findings of facts:

1. There are no complaints.
2. The use fits the area.
3. There is enough parking to accommodate guests.

**YEAS:** Ms. Zimmers, Mr. Burkhardt, Mr. Harris, Ms. Williams and Ms. Gaier.

**NAYS:** None.

**Motion approved 5 to 0.**

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**Case #21-A-09 Request from Springfield Animal Hospital for a conditional use permit for a veterinary clinic at 2200 N Limestone Street in a CC2, Community Commercial District.**

Ms. Gaier stated that the public hearing was now open and asked for Mr. Thompson to read the staff report.

The applicant seeks a conditional use permit to open a veterinary clinic in a vacant tenant space. The clinic is currently located at 2126 N limestone St and the applicant states they have outgrown their current space.

**ANALYSIS for Conditional Use:**

In considering an application for a conditional use, the Board shall give due regard to the nature and condition of all adjacent uses and structures, and the consistency therewith of the proposed use and development. Before authorizing a use as a conditional use, the Board shall review the facts and circumstances of each proposed conditional use in terms of the following standards and shall find adequate evidence showing that the proposed conditional use at the proposed location:

- (1) Would not be hazardous, harmful, noxious, offensive or a nuisance to the surrounding neighborhood by reason of noise, smoke, odor, vibration, dust and dirt, cinders, noxious gases, glare and heat, fire and safety hazards, sewage wastes and pollution, transportation and traffic, aesthetic and psychological effects. The Board shall use and give recognition to those performance standards which are available in model codes or ordinances, or have been developed by planning, manufacturing, health, architectural and engineering organizations, and can be applied to the proposed use, to assist it in reaching a fair and objective decision;

***Staff Comment:*** *It would not.*

- (2) Is in fact a conditional use as established under the provisions of this Springfield Zoning Code as eligible to be permitted in the district involved;

***Staff Comment:*** *Yes.*

- (3) Will be harmonious with and in accordance with the general objectives, or with any specific objective of this Springfield Zoning Code;

*Staff Comment: Yes.*

- (4) Will be designed, constructed, operated and maintained as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that the use will not change the essential character of the same area;

*Staff Comment: Yes. It is an existing building.*

- (5) Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools, or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services;

*Staff Comment: Yes.*

- (6) Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;

*Staff Comment: It will not.*

- (7) Will have vehicular approaches to the property, which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares. Upon authorizing a conditional use, the Board shall impose such requirements and conditions with respect to location, construction, maintenance and operation, in addition to those expressly stipulated in this Springfield Zoning Code for the particular conditional use, as the Board may deem necessary for the protection of adjacent properties and the public interest.

*Staff Comment: Yes, it does.*

**RETURNED REPORTS FROM STAFF:**

|                        |   |
|------------------------|---|
| Service Department:    | Recommend approval  |
| Building Inspections:  | Recommend approval; building code issues that arrive will be addressed during the permit process. |
| Engineering Division:  | Recommend approval  |
| Fire Department:       | Recommend approval  |
| City Manager's Office: | Recommend approval  |

**STAFF RECOMMENDATION:**

Approval of the conditional use permit.

Ms. Gaier asked if the board had any questions for Mr. Thompson.

Ms. Zimmers questioned what the neighboring business was.

Mr. Thompson stated he was not sure but believed it's something in the medical field.

Ms. Zimmers asked if there were any complaints or concerns from neighbors.

Mr. Thompson stated there were none and explained there were several empty spaces in the shopping center. Mr. Thompson stated even if there wasn't, parking would not be an issue.

Ms. Zimmers explained her concern was more about the animals being loud and causing issues for the other businesses

Mr. Thompson stated there were no concerns about noise.

Ms. Zimmers asked if there had been any discussion about using the outdoor area for the animals.

Ms. Zimmers questioned if animals would be staying there.

Mr. Thompson stated there had not been any mention of it but was unsure if that was a plan.

Ms. Williams questioned if the animals would be getting surgery.

Ms. Gaier suggested those questions would best be answered by the applicant or the applicant's agent. Ms. Gaier asked if there were any further questions for Mr. Thompson. Hearing none, Ms. Gaier asked if the applicant or the applicant's agent wished to speak.

Ms. Evelyn Pillion, 2126 North Limestone Street, Springfield, OH.

Ms. Pillion explained they had outgrown the building they were in. Ms. Pillion explained the building was built and designed for a one and a half doctor practice. Ms. Pillion explained there were three doctors working there and the potential of a fourth one. Ms. Pillion explained they really needed the extra space to provide adequate care. Ms. Pillion explained there has been an upswing in business.

Mr. Burkhardt questioned if there would be anything outside.

Ms. Pillion explained there will be nothing outside. Ms. Pillion explained if an animal was hospitalized the animal would be taken out to the nice grassy area next the business.

Ms. Williams asked the pets would be kept overnight after surgery.

Ms. Pillion explained most of the surgeries they do were same day surgeries.

Ms. Williams questioned where they were located.

Ms. Pillion explained they were next to O'Conner's Irish Pub.

Ms. Williams stated that was nice because it was close.

Mr. Dhingra stated he was not representing the applicant. Mr. Dhingra just wanted the board to know that he was neighbors with the applicant and they are very clean and friendly.

Ms. Gaier asked if there were any further questions for the applicant. Hearing none, Ms. Gaier asked for a motion to close the public hearing,

**MOTION:** Ms. Zimmers made a motion to close the public hearing. Seconded by Ms. Williams. Approval by voice vote.

Ms. Gaier stated that the public hearing was now closed and asked for a motion to approve Case #21-A-09.

**MOTION:** Motion by Ms. Zimmers to approve case# 21-A-09 request from Springfield Animal Hospital for a conditional use permit for a veterinary clinic at 2200 N. Limestone Street in a CC-2, Community Commercial District. Seconded by Mr. Burkhardt.

Hearing no further discussion or questions, the Board determined the following findings of facts:

1. Neighbors showed support and were in favor of the business expanding.
2. There is no opposition.
3. The location would be a good fit.

**YEAS:** Ms. Zimmers, Mr. Burkhardt, Mr. Harris, Ms. Williams and Ms. Gaier.

**NAYS:** None

**Motion approved 5 to 0.**

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**Case #21-A-10 Request from Mariana Collazo for a variance from Chapter 1101.03 to allow an accessory structure on a residential lot without a principal structure at 2502 Lagonda Avenue in a RS-8, Medium-Density, Single-Family Residence District.**

Ms. Gaier stated that the public hearing was now open and asked for Mr. Thompson to read the staff report.

The applicant seeks a variance to allow an accessory structure on a residential lot without a principal structure. The parcel currently has a house and a large garage. The owner wants to split the parcel into two, leaving the house on one parcel and the garage on the other. The applicant states she moved from Springfield and the person she is selling the house to can't maintain the garage. The current owner would maintain ownership of the garage as she still has

use for it.

Chapter 1101.03 states “except for open off-street parking, an accessory use or structure shall not be located on a lot without a principal use to which it is accessory.”

Staff’s opinion is permitting the garage to be on a separate parcel would not benefit the neighborhood or community and would likely further lead to deterioration of the garage since the owner does not live in the city. It would be in the best interest of the city for the garage to remain on the same parcel as the house.

**ANALYSIS for Variance:**

The Board may grant a variance only where there exists a “practical difficulty” as defined by the courts in Ohio in established case law. The Ohio Supreme Court’s decision in Kisil v. City of Sandusky, (1984) 12 Ohio State 3d 30, is a land mark decision in establishing common law governing variances by distinguishing between “use” and “area variances.” Area variances involve an exception from such requirements as yard, lot, and height standards. The Supreme Court established that a practical difficulty must exist before an area variance can be granted.

Then subsequent to this case, in Duncan v. Village of Middlefield, (1986) 23 Ohio 3d 83, the Ohio Supreme Court more fully explained the practical difficulty standards. The factors to be considered and weighed in determining whether a property owner seeking a variance has encountered a practical difficulty in the use of his/her property include, but are not limited to:

1. Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance;

*Staff Comment: Yes. The parcel could remain intact keeping the garage and house on a single parcel.*

2. Whether the variance is substantial;

*Staff Comment: Yes.*

3. Whether the essential character of the neighborhood will be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance;

*Staff Comment: Yes. It is staff’s opinion that an out of town owner would not maintain the garage in a way that would benefit the community*

4. Whether the variance would adversely affect the delivery of government services (e.g., water, sewer);

*Staff Comment: No.*

5. Whether the property owner purchased the property with the knowledge of the zoning



restrictions;

*Staff Comment: No.*

6. Whether the property owner's predicament can be obviated through some method other than a variance; or

*Staff Comment: Yes. The parcel could remain as is, keeping the house and garage on the same parcel.*

7. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.

*Staff Comment: No.*

**RETURNED REPORTS FROM STAFF:**

Service/Engineering Department: Recommend approval

Building Inspections: Recommend approval

Engineering Division: Recommend approval

Fire Department: Recommend approval

City Manager's Office: Recommend approval

**STAFF RECOMMENDATION:**

Denial of the variance.

Ms. Gaier asked if the board had any questions for Mr. Thompson.

Ms. Gaier questioned if the lot was larger enough to split and keep proper setbacks and easements.

Mr. Thompson explained he had not seen a potential lot split but there should be enough room between the garage and the house to maintain current setbacks.

Ms. Gaier asked if the entrance to the second parcel would be off the dead end street.

Mr. Thompson stated that was correct.

Mr. Burkhardt asked what the garage was used for.

Mr. Thompson stated that would be a question for the applicant.

Ms. Williams asked if the garage was part of the sale.

Mr. Thompson stated the property had not sold yet but the applicant would be able to give more information.

Ms. Zimmers asked if there had been any other cases like this in the city. Ms. Zimmers stated she was concerned with setting a precedent in the city.

Mr. Thompson stated he could not recall any similar cases, at least not in the last twelve years.

Ms. Zimmers questioned how many properties prior to the last twelve years that had two parcels, one with a structure and one with a house.

Mr. Thompson stated there were very few inside the city limits where you only find an accessory structure on a parcel.

Ms. Gaier explained she remembers accessory structure being added to a parcel but with intentions of a residential structure being built later on.

Mr. Thompson stated that was correct, mostly seen with community gardens.

Ms. Zimmers asked why some departments suggested approval.

Mr. Thompson explained the service center typically looks at water and sewer lines, since the existing structure doesn't really come into play. Same with fire, building and police, there really isn't much for them to comment on because there will be no future permits needed.

Ms. Gaier explained sometimes the departments are more of a not applicable response as far as an approve or disapprove stance.

Mr. Thompson stated that was correct.

Ms. Zimmers asked if there had been any comments from the community.

Mr. Thompson stated he had received some comments but no one in opposition.

Ms. Gaier asked if there were any further questions for Mr. Thompson. Hearing none, MS. Gaier asked if the applicant or the applicants agent wished to speak.

Ms. Mariana Collazo, 338 Burgoyne Street, Delaware, OH 43015.

Ms. Collazo explained she planned to sell the house to the current occupant, which is as friend. Ms. Collazo explained the occupant is a single mother working as a teacher and expressed she was interested in buying the house but did not want the barn upkeep.

Ms. Gaier questioned if the tenant maintained the residential structure and the applicant maintained the accessory structure.

Ms. Collazo stated that was correct.

Ms. Gaier asked if there one someone besides the resident in the home, that used the garage.

Ms. Collazo explained she uses the garage for wood working.

Ms. Williams stated the resident did not want to take care of the accessory structure.

Ms. Collazo stated that was correct, the building was very large.

Mr. Burkhardt questioned if a business was being ran out of the structure.

Ms. Collazo stated there was not a business being ran from there.

Mr. Burkhardt questioned if it was just for personal use.

Ms. Collazo explained she made live edge tables and her friends used the structure as well. Ms. Collazo explained she had a full time job and woodworking was a hobby.

Mr. Burkhardt questioned all the vehicles on the property.

Ms. Collazo stated the picture was not a recent photo.

Mr. Thompson confirmed the photo was from 2017.

Ms. Zimmers stated she was concerned about the resale of the lot and home in the future. Ms. Zimmers explained selling the structure with a residential zoning would be hard because someone would most likely want run a business out of it.

Ms. Williams agreed.

Mr. Thompson explained the structure could only be used for personal warehouse use and would not be able to be used as a business.

Ms. Kristin Suarez, 338 Burgoyne Street, Delaware, OH 43015.

Ms. Suarez explained if the entire property is sold to the single mother, the structure would not be taken care of and would eventually deteriorate. Ms. Suarez explained the single mother did not have the capabilities to maintain the structure. Ms. Suarez they would maintain the property. Ms. Suarez said they live an hour and twenty minutes away but traveled to Springfield often. Ms. Suarez explained the structure was a pole barn and there was much upkeep needed. Ms. Suarez

stated nothing would change aesthetically, it would just be a change on paper. Ms. Suarez explained they are getting the variance so the structure is allowed on the property without a residential structure so resale would not be an issue if they get the variance. MS. Suarez explained getting a property in Delaware, Ohio with a pole barn on the property, would not be affordable. Ms. Suarez explained it's worth the drive to work on the hobby.

Ms. Gaier asked if the board had any further questions for the applicant. Hearing none, Ms. Gaier asked if there was anyone else that wished to speak. Hearing none, Ms. Gaier asked for a motion to close the public hearing,

**MOTION:** Ms. Zimmers made a motion to close the public hearing. Seconded by Mr. Harris. Approval by voice vote.

Ms. Gaier stated that the public hearing was now closed and asked for a motion to approve Case #21-A-10.

**MOTION:** Motion by Ms. Zimmers to approve Case #21-A-10 Request from Mariana Collazo for a variance from Chapter 1101.03 to allow an accessory structure on a residential lot without a principal structure at 2502 Lagonda Avenue in a RS-8, Medium-Density, Single-Family Residence District. Seconded by Mr. Burkhardt.

Hearing no further discussion or questions, the Board determined the following findings of facts:

1. There are no opposition or complaints.
2. Approval would set a precedence for future cases.
3. The applicant mentioned selling the property to a friend who could not maintain the barn, pole barn could still be maintained if lot was not split.

**YEAS:** None.

**NAYS:** Ms. Zimmers, Mr. Burkhardt, Mr. Harris, Ms. Williams and Ms. Gaier.

**Motion approved 5 to 0.**

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**Case #21-A-11 Request from Kettering Network Services for a variance from Chapter 1150 to locate a generator in a front yard setback at 2300 N Limestone Street in a CC-2, Community Commercial District.**

Ms. Gaier stated that the public hearing was now open and asked for Mr. Thompson to read the staff report.

The applicant seeks a variance to construct an emergency generator in a front yard setback along E Home Road near the bike path. Kettering Health plans to construct an outpatient medical facility in the former grocery store. The generator is required by the state for a freestanding emergency department. The applicant states the proposed location in the setback along E Home Road is necessary to maintain access and room to maneuver to the dock on the east side of the

structure. The generator will be placed approximately seven feet from the E Home Road property line.

**ANALYSIS for Variance:**

The Board may grant a variance only where there exists a “practical difficulty” as defined by the courts in Ohio in established case law. The Ohio Supreme Court’s decision in Kisil v. City of Sandusky, (1984) 12 Ohio State 3d 30, is a land mark decision in establishing common law governing variances by distinguishing between “use” and “area variances.” Area variances involve an exception from such requirements as yard, lot, and height standards. The Supreme Court established that a practical difficulty must exist before an area variance can be granted.

Then subsequent to this case, in Duncan v. Village of Middlefield, (1986) 23 Ohio 3d 83, the Ohio Supreme Court more fully explained the practical difficulty standards. The factors to be considered and weighed in determining whether a property owner seeking a variance has encountered a practical difficulty in the use of his/her property include, but are not limited to:

8. Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance;

*Staff Comment: Yes. It could be placed elsewhere on the property.*

9. Whether the variance is substantial;

*Staff Comment: Yes.*

10. Whether the essential character of the neighborhood will be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance;

*Staff Comment: No.*

11. Whether the variance would adversely affect the delivery of government services (e.g., water, sewer);

*Staff Comment: No.*

12. Whether the property owner purchased the property with the knowledge of the zoning restrictions;

*Staff Comment: No.*

13. Whether the property owner’s predicament can be obviated through some method other than a variance; or

*Staff Comment: Yes. It could be placed elsewhere on the property*

14. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.

*Staff Comment: Yes.*

**RETURNED REPORTS FROM STAFF:**

Service/Engineering Department: Recommend approval

Building Inspections: Recommend approval

Engineering Division: Recommend denial; this location would conflict with future bridge construction and maintenance.

Fire Department: Recommend approval

City Manager's Office: Recommend approval

**STAFF RECOMMENDATION:**

Approval of the variance with the condition the generator be screened with trees along E Home Road.

Ms. Gaier asked if the board had any questions for Mr. Thompson.

Ms. Williams asked if the area would be screened by trees or shrubs.

Mr. Thompson explained there are currently trees there but they plan to screen some more. Mr. Thompson explained the elevation would also help with the screening.

Ms. Gaier asked if there were any further questions for Mr. Thompson. Hearing none, Ms. Gaier asked if the applicant or applicants agent wished to speak.

Mr. Richard Haas, Kettering Health Network, 3695 Southern Boulevard, Kettering, OH.

Mr. Haas thanked the board for listening to the variance request. Mr. Haas explained they were excited to repurpose the Kroger store into a medical facility. Mr. Haas explained they were excited to expand to Springfield. Mr. Haas explained Kettering Health network likes to know there is a future in expansion and the potential for expansion is in the back of the building. If the generator goes behind the building, it would significantly impact the future of expansion.

Mr. Chad Duran, 1217 8<sup>th</sup> Avenue, Fort Worth, TX.

Mr. Duran explained converting the building into something new and useful is a great opportunity for the community. Mr. Duran explained the front of the building faces North Limestone Street and the parking lot, the south side faces Home Road. Mr. Duran explained south side entrance is kind of an awkward approach into the building but the traffic light connection was important. Mr. Duran explained to the right of that entrance the company considered that a side yard. After talking with the city, they realized that was a front yard and that drastically increased the frontage. Mr. Duran explained they faced challenges in the back as well. Mr. Duran explained the emergency generator was required and essential if the power goes out. Mr. Duran explained the generator typically goes in the rear of the structure but that was not an option. Mr. Duran explained there would be a decorative screened wall that would completely conceal the generator for privacy and security. Mr. Duran explained they went through all the options of where the generator could be placed and the best location is in the southeast corner. Mr. Duran explained the specific setback they requested was based off of the trucks turning radius as they turn onto the property and backing up. Mr. Duran they used a program to go through all the options of placement. Mr. Duran explained it would screen the back half if the building as well.

Mr. Dave Montgomery, 2700 Stratacache Tower, Dayton, OH.

Mr. Montgomery explained they did look at a multitude of locations but this location made the most sense for sight functionality. Mr. Montgomery explained as far as the turning radius, it was the very minimum variance they could be asking for. Mr. Montgomery stated they had tried to mitigate the issues as much as possible and still have a functional sight and still maintaining a long term option for the property. Mr. Montgomery explained added the medical field will help tremendously with EMS services.

Mr. Haas explained they would have first class landscaping on sight as well. Mr. Hass explained the generator would have a system on it that would help keep it quiet.

Ms. Gaier asked if the board if they had any questions for the applicant. Hearing none, Ms. Gaier asked if there was anyone else that wished to speak. Hearing none, Ms. Gaier asked for a motion to close the public hearing,

**MOTION:** Mr. Burkhardt made a motion to close the public hearing. Seconded by Ms. Williams. Approval by voice vote.

Ms. Gaier stated that the public hearing was now closed and asked for a motion to approve Case #21-A-11.

**MOTION:** Motion by Ms. Zimmers to approve case #21-A-11 Request from Kettering Network Services for a variance from Chapter 1150 to locate a generator in a front yard setback at 2300 N Limestone Street in a CC-2, Community Commercial District. Seconded by Mr. Burkhardt.

Hearing no further discussion or questions, the Board determined the following findings of facts:

1. There is no opposition.
2. It is a great addition to the community.
3. The applicants stated the generator will be quiet.
4. It alleviates another vacant building in the city.

**YEAS:** Ms. Zimmers, Mr. Burkhardt, Mr. Harris, Ms. Williams and Ms. Gaier.

**NAYS:** None.

**Motion approved 5 to 0.**

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**Board Comments:** None.

**Staff Comments:** Mr. Thompson discussed Covid-19 protocols for in person meetings.

**Subject:** Adjournment

Mr. Williams made a motion to adjourn the meeting. Seconded by Mr. Harris.

Ms. Gaier adjourned the meeting at 8:15 p.m.



Ms. Dori Gaier, Chairperson

Ms. Denise Williams, Vice-Chairperson